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Sent: Friday, March 20, 2015 9:13 AM
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Subject: EPA takes lead over Cargill: Speier, Save the Bay applaud move; developer outraged

[EPA takes lead over Cargill: Speier, Save the Bay applaud move; developer outraged](#)

The Environmental Protection Agency has taken the lead in deciding whether the Cargill Saltworks site in Redwood City should be protected to the chagrin of developer DMB Pacific Ventures.

The EPA's move was praised by environmentalists and federal lawmakers but officials with DMB said the decision has stalled a three-year effort by the joint venture to clear key environmental hurdles before it comes back to the city with a new housing proposal for the land east of Highway 101.

"We are highly confused and frankly outraged," said DMB's David Smith.

Cargill/DMB requested three years ago from both the EPA and the U.S. Army Corps of Engineers to make a jurisdictional determination over whether the roughly 1,480 acres of land on the Bay was subject to federal laws including the Clean Water and Rivers and Harbors acts.

A corps report released this week indicates that only about 60 acres of the land falls under its jurisdiction through the Rivers and Harbors Act. The corps was presumably ready to make a determination on whether the salt ponds remain waters of the United States under the Clean Water Act as it previously ruled before the EPA stepped in.

But the EPA stepped in at the last minute to derail the process, Smith said.

"They've had three years to participate. All this time they've had this authority and have chosen to do nothing," Smith said about the EPA.

Last month, Bay Area lawmakers urged the corps to stick with its previous decision that the salt ponds are protected by the Clean Water Act.

The EPA's move to take over the jurisdictional determination of the land was praised Thursday by U.S. Rep. Jackie Speier, D-San Mateo.

"The nation relies on the Clean Water Act to make sure that we balance economic and environmental concerns. I am glad to see that the law is working as intended to ensure that the Redwood City salt plant site jurisdictional determination is given the most careful and thorough analysis," Speier wrote in an email to the Daily Journal.

The EPA's decision will help safeguard the Bay, she wrote.

"We have a lot of needs in our area, including the need for jobs and more housing. If we are thoughtful in our approach to our challenges, the Bay Area will sustainably thrive and grow," Speier wrote.

DMB withdrew its plans to construct 12,000 homes at the Cargill site nearly three years ago and has been waiting for a response from both the corps and the EPA as to whether the agencies have jurisdiction over the property.

Environmentalists, who want the land to become a wildlife refuge, also praised the EPA's move.

“The EPA is right to stand up and protect the Bay against Cargill’s rogue effort to cut the Clean Water Act,” said Save the Bay Executive Director David Lewis.

The EPA, over the years, has made many determinations over the years that have protected the Bay and doubled the wetlands, Lewis said.

“This wouldn’t have happened without the Clean Water Act,” Lewis said.

Typically, a developer will secure regional, state and federal permissions after a city has approved a project. But Cargill withdrew the project and pledged to bring back a scaled-down development after seeking the environmental approvals.

The EPA and corps share responsibilities under the Clean Water Act to protect health and the environment from pollution.

“EPA will immediately begin a detailed scientific and legal analyses of this ecologically significant site and expects to complete this review later this year or early next year,” according to the U.S. EPA Pacific Southwest regional office.

The EPA exercised its authority under the Clean Water Act to make the determination Wednesday.

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